

Chapter 173-345 WAC

RECYCLABLE MATERIALS--TRANSPORTER AND FACILITY REQUIREMENTS

NEW SECTION

WAC 173-345-010 Authority and purpose. The purpose of this chapter is to establish minimum standards for the transportation of recyclable materials; establish notice and reporting standards for solid waste recycling facilities; ensure that recyclable materials are not delivered to transfer stations, solid waste incinerators, or landfills for disposal; establish penalties for transporters of recyclable materials, solid waste recycling facilities, and material recovery facilities (MRFs) that do not meet the standards of this chapter.

NEW SECTION

WAC 173-345-020 Applicability. This rule applies to businesses that transport recyclable materials from commercial or industrial generators over the public highways of the state of Washington for compensation that are required to possess a common carrier permit to operate issued by the Washington utilities and transportation commission under chapter 81.80 RCW. This rule also applies to facilities that recycle solid waste and MRFs except for those facilities with current solid waste handling permits issued under RCW 70.95.170. Businesses that transport covered electronic products exclusively for recycling are exempt only from transporter registration and reporting requirements under this rule because these transporters must comply with chapters 70.95N RCW and 173-900 WAC.

NEW SECTION

WAC 173-345-030 Definitions. "**Container**" means a portable device used for the collection, storage and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, and detachable containers.

"**Covered electronic product**" or "**CEP**" includes any one of the following four types of products that has been used in Washington state by any covered entity, regardless of original point of purchase:

- (a) Any monitor having a viewable area greater than four inches when measured diagonally;
- (b) A desktop computer;
- (c) A laptop or a portable computer; or
- (d) Any video display device having a viewable area greater than four inches when measured diagonally.

"**Covered electronic product**" does not include:

- (a) A motor vehicle or replacement parts for use in motor vehicles or aircraft, or any computer, computer monitor, or television that is contained within, and is not separate from, the motor vehicle or aircraft;
- (b) Monitoring and control instruments or systems;
- (c) Medical devices;
- (d) Products including materials intended for use as ingredients in those products as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.) or the Virus-Serum-Toxin Act of 1913 (21 U.S.C. Sec. 151 et seq.), and regulations issued under those acts;
- (e) Equipment used in the delivery of patient care in a health care setting;
- (f) A computer, computer monitor, or television that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; automatic teller machines, vending machines or similar business transaction machines; or
- (g) Hand-held portable voice or data devices used for commercial mobile services as defined in 47 U.S.C. Sec. 332 (d) (1).

"**Department**" means the department of ecology.

"**Disposal site**" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

"**Energy recovery**" means recovery of energy in a useable form from mass burning or refuse-derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (>1200 Fahrenheit) processing.

"**Facility**" means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements to the land used for recycling.

"**Incidental**" means occurring merely by chance or without intention or calculation.

"**Incineration**" means reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

"Material recovery facility" means a facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

"Permit" means an authorization used by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

"Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

"Recyclable materials" means those solid wastes that are separated for recycling or reused, including but not limited to, papers, metals, glass, that are identified as recyclable material pursuant to a local solid waste management plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compacting, repackaging, and sorting for the purpose of transport.

"Source separated" means the separation of different kinds of solid waste at the place where waste originates.

"Solid waste" or **"wastes"** means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Transfer station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

"Transformation" means to change completely or essentially in composition or structure. This could include a change in outward shape, form, or character, nature or function.

"Transporter of recyclable material" means any person or entity that transports source-separated recyclable materials from commercial or industrial generators over the public highways of the state of Washington for compensation, and who is required to possess a common carrier permit to operate from the Washington utilities and transportation commission under chapter 81.80 RCW. Transporters include commercial recycling operations of certified solid waste collection companies regulated under chapter 81.77 RCW.

NEW SECTION

WAC 173-345-040 Collection of solid waste and recyclable materials. All sites where recyclable materials are generated and transported for recycling must provide separate containers for recyclable materials and nonrecyclable materials (solid waste), using collection practices consistent with chapter 173-350 WAC.

NEW SECTION

WAC 173-345-050 Transporter registration. (1) The rule applies to all transporters of recyclable materials as defined in WAC 173-345-030.

(2) For purposes of this rule "transporters" do not include:

(a) Carriers of commercial recyclable materials, when such materials are owned or being bought or sold by the entity or person, and being carried in their own vehicle, when such activity is incidental to the conduct of an entity or person's primary business;

(b) Entities or persons hauling their own recyclables or hauling recyclables they generated or purchased and transported in their own vehicles, including material recovery facilities hauling their own recyclable material;

(c) Nonprofit or charitable organizations collecting and transporting recyclable materials from a buyback center, drop box, or from a commercial or industrial generator of recyclable materials;

(d) City municipal solid waste departments or city solid waste contractors; or

(e) Common carriers permitted under chapter 81.80 RCW whose primary business is not the transportation of recyclable materials.

(3) All transporters of recyclable materials shall register with the department, and possess a common carrier permit issued by the Washington utilities and transportation commission, prior to the transportation of recyclable materials on forms provided by the department.

(4) A transporter of recyclable materials who transports recyclable materials within the state without a transporter registration required by this section is subject to a civil penalty of up to one thousand dollars per violation.

NEW SECTION

WAC 173-345-060 Transporter delivery of recyclable materials.

(1) A transporter of recyclable materials may not deliver any recyclable materials for disposal to a transfer station, solid waste incinerator, or landfill.

(2) A transporter of recyclable materials who violates the provisions of this section is subject to a civil penalty of up to one thousand dollars per violation.

NEW SECTION

WAC 173-345-070 Transporter recordkeeping. (1) A transporter of recyclable materials shall keep records of locations and quantities specifically identified to the generator.

(a) Name;

(b) Address;

(c) Service date;

(d) Invoice documenting where recyclables were sold, delivered for processing, or otherwise marketed.

(2) The records must be retained for two years from the date of collection and must be accessible for inspection by the department and the local health department.

(3) Violations of this section subject the transporter of recyclable materials to a civil penalty of up to one thousand dollars per violation.

NEW SECTION

WAC 173-345-080 Recycling and materials recovery facility notification.

(1) All material recovery facilities and all facilities that recycle solid waste, except for those facilities with a current solid waste handling permit issued under RCW 70.95.170, must notify the department and the jurisdictional health department in writing within thirty days prior to operation, of the intent to conduct recycling in accordance with this section. Notification must be in writing, and include:

(a) Contact information for the person conducting the recycling activity;

(b) A general description of the recycling activity;

(c) A description of the types of solid waste being recycled;
and

(d) A general description of the recycling processes and methods.

(2) Any facility, except product take-back centers, that accepts recyclable materials within the state without first meeting the requirements of subsection (1) of this section, is subject to a civil penalty of up to one thousand dollars per violation.

(3) Facilities exempt from the notification requirements in chapter 173-350 WAC are exempt from the requirements in this section.

NEW SECTION

WAC 173-345-090 Penalties. Any transporter of recyclable materials violating the provisions of WAC 173-345-050, 173-345-060, or 173-345-070, is subject to penalties prescribed in those sections. All recycling facilities and material recovery facilities violating the provisions of WAC 173-345-080 are subject to the penalties prescribed in that section.

NEW SECTION

WAC 173-345-100 Appeals. Any person aggrieved by a penalty of the department may appeal that decision only as provided by applicable law including, but not limited to chapters 43.21B and 34.05 RCW.